

11/14/04 09:40

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
Tyler Division

11/14/04 AM 9:53

IN RE:
Dayton Jr., Robert D.

) CASE NO. 00-62307

)

) CHAPTER 7

)

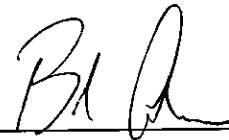
DEBTOR(S)

TRUSTEE'S FINAL REPORT, APPLICATION FOR COMPENSATION,
AND REPORT OF PROPOSED DISTRIBUTION

Bob Anderson, the Trustee of the estate of the above-named debtor, certifies under penalty of perjury, to the Court and United States Trustee, that the trustee has faithfully and properly fulfilled the duties of his office, that the trustee has examined all proofs of claim as appropriate in preparation for the proposed distribution, and that the proposed distribution attached hereto is proper and consistent with the law and rules of the Court. The Trustee applies for the commissions and expenses set forth herein and states that they are reasonable and proper.

Therefore, the Trustee requests that the Final Report, Application for Compensation, and Report of Proposed Distribution be approved.

Date: 11/4/03



Bob Anderson, Trustee

REVIEWED BY THE UNITED STATES TRUSTEE

I have reviewed the Trustee's Final Report, Application for Compensation, and Report of Proposed Distribution.

United States Trustee

Date: 11-13-03

By: 



SCHEDULE A-1

FINAL ACCOUNT AS OF: 11/04/03

A.	RECEIPTS		\$40,239.70
B.	DISBURSEMENTS		
(1)	Secured Creditors	0.00	
(2)	Administrative Expenses	3,770.04	
(3)	Priority Creditors	0.00	
(4)	Other	0.00	
	TOTAL DISBURSEMENTS		<u>\$3,770.04</u>
C.	BALANCE ON HAND		<u>\$36,469.66</u>

TRUSTEE'S FINAL REPORT CASE SUMMARY

TRUSTEE:

ANDERSON

CASE NAME:

DAYTON, ROBERT

CASE NUMBER:

00-62307

DATE UST APPROVED:

11/13/03

COMMENTS:

ESTATE INCOME:

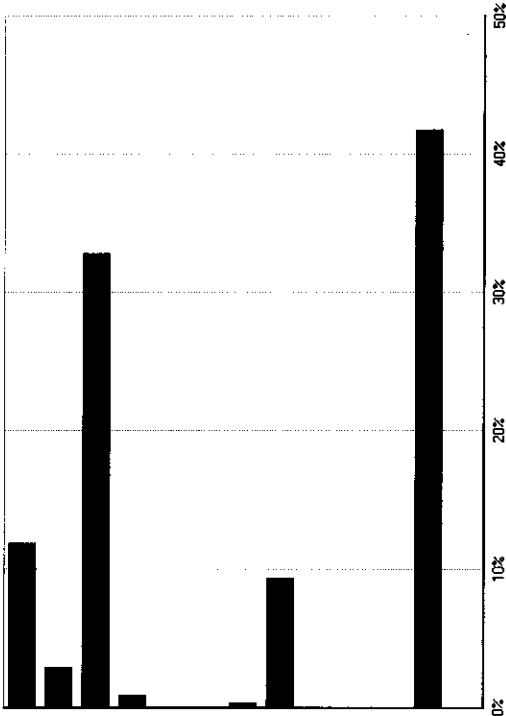
TOTAL RECEIPTS:

\$40,239.70 100.00%

ESTATE EXPENSES:

TRUSTEE'S COMMISSION
TRUSTEE'S EXPENSES
FIRM'S PROFESSIONAL FEES
FIRM'S PROFESSIONAL EXPENSES
OTHER ATTORNEY FEES
OTHER PROFESSIONAL FEES
COURT COSTS
ESTATE EXPENSES(TAXES, ETC)
PRIOR CHAPTER COSTS
SECURED CLAIMS PAID
PRIORITY CLAIMS PAID
UNSECURED CLAIMS PAID
OTHER(RETURN TO DEBTOR, ETC)

4,773.97 11.86%
1,167.63 2.90%
13,209.45 32.83%
371.65 0.92%
0.00 0.00%
0.00 0.00%
150.00 0.37%
3,770.04 9.37%
0.00 0.00%
0.00 0.00%
0.00 0.00%
16,796.96 41.74%
0.00 0.00%



UNSECURED CLAIMS ALLOWED

45,816.86

UNSECURED CLAIMS PAID

16,796.96

PERCENT RECOVERED FOR UNSECURED

36.66%

Form 1

Page: 1

Individual Estate Property Record and Report Asset Cases

Case Number: 00-62307 BP
Case Name: Dayton Jr., Robert D.
 AKA Bob Dayton Jr
Period Ending: 11/04/03
Trustee: (631490) Bob Anderson
Filed (f) or Converted (c): 11/29/00 (f)
\$341(a) Meeting Date: 01/08/01
Claims Bar Date: 08/09/02

Ref. #	1 Asset Description (Scheduled And Unscheduled (u) Property)	2 Petition/ Unscheduled Values	3 Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	4 Property Abandoned OA=\$554(a) abandon. DA=\$554(c) abandon.	5 Sale/Funds Received by the Estate	6 Asset Fully Administered (FA)/ Gross Value of Remaining Assets
1	Homestead, Lt 4, Block 3907, Longview, TX	120,990.00	0.00		0.00	FA
2	City Natl. Bank Acct. #5023343	200.00	200.00	DA	0.00	FA
3	Household Goods & Furnishings	956.00	0.00		0.00	FA
4	Music CDs	300.00	0.00		0.00	FA
5	Clothing	1,500.00	0.00		0.00	FA
6	Watch	50.00	0.00		0.00	FA
7	Sporting Goods	300.00	0.00		0.00	FA
8	3000 Shares, MYD Metals	0.00	0.00		0.00	FA
9	Account Receivable - DBI, Inc. Adversary No. 01-6030: Bob Anderson, Ch. 7 Trustee, v. Delta Brands, Inc. Complaint filed March 29, 2001. Defendant represented by Kathryn Whipple. Parties have agreed that an Agreed Judgment will be entered for \$125,000.00, with the agreement that the judgment will not be abstracted and the judgment will be discharged if Defendant pays \$40,000.00 to Estate as agreed (\$5,000 down, 7 payments of \$5,000 due 6th of each month beginning April 6, 2002, final payment due October 6, 2002). Motion to Approve Compromise and Settlement on these terms filed March 8, 2002.	157,496.27	157,496.27		40,000.00	FA

Form 1

Individual Estate Property Record and Report Asset Cases

Page: 2

Case Number: 00-62307 BP
Case Name: Dayton Jr., Robert D.
 AKA Bob Dayton Jr
Period Ending: 11/04/03
Trustee: (631490) Bob Anderson
Filed (f) or Converted (c): 11/29/00 (f)
\$341(a) Meeting Date: 01/08/01
Claims Bar Date: 08/09/02

Ref. #	1 Asset Description (Scheduled And Unscheduled (u) Property)	2 Petition/ Unscheduled Values	3 Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	4 Property Abandoned OA=\$554(a) abandon. DA=\$554(c) abandon.	5 Sale/Funds Received by the Estate	6 Asset Fully Administered (FA)/ Gross Value of Remaining Assets
	Agreed Final Judgment entered in Adversary on 4/5/02; Order Approving Settlement Agreement and Mutual Release #21 EOD 4/4/02. 6/26/02 - Kathryn Whipple withdrew; Defendant now represented by Baxter Banowsky.					
10	1985 Buick Electra	2,179.00	0.00		0.00	FA
Int	INTEREST (u)	Unknown	N/A		239.10	Unknown
11	Assets	Totals (Excluding unknown values)	\$283,971.27	\$157,696.27	\$40,239.10	\$0.00

Major Activities Affecting Case Closing:

PROFESSIONALS:

Bob Anderson, attorney for Trustee per Order #13 EOD 4/11/01. Fees of \$13,209.45 and expenses of \$371.65 for a total of \$13,581.10 approved by Order signed 10/20/03.

ADVERSARIES:

No. 01-6030: Bob Anderson, Trustee v. Delta Brands, Inc. (collection of account receivable). See Asset #9.

CLAIMS:

Bar dates 8/9/02 and 11/8/02 (govt). Claims reviewed on-line, and Objection to Claim #5 [Gregg County] filed 11/14/02; Order disallowing entered 12/6/02.

TAX RETURNS:

Payment of Taxes authorized by Order signed 4/28/03.
2002 Tax Return (FINAL RETURN) mailed 3/31/2003. \$3,638 in taxes owed. Return accepted by letter from IRS of 5/16/03.

Form 1

Individual Estate Property Record and Report Asset Cases

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Period Ending: 11/04/03

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--	---	--	--	--	--

8/12/03 - Receipt of Request for Payment from IRS for \$3,770.04 total tax, interest and penalty. Payment made 8/13/03, Check #101.

Initial Projected Date Of Final Report (TFR): December 31, 2002

Current Projected Date Of Final Report (TFR): November 4, 2003 (Actual)

Form 2

Cash Receipts And Disbursements Record

Page: 1

Case Number: 00-62307 BP

Case Name: Dayton Jr., Robert D.

AKA Bob Dayton Jr

Taxpayer ID #: 13-7316419

Period Ending: 11/04/03

Trustee: Bob Anderson (631490)

Bank Name: JPMORGAN CHASE BANK

Account: 312-8337880-65 - Money Market Account

Blanket Bond: \$300,000.00 (per case limit)

Separate Bond: N/A

1 Trans. Date	2 {Ref #} / Check #	3 Paid To / Received From	4 Description of Transaction	T-Code	5 Receipts \$	6 Disbursements \$	7 Money Market Account Balance
03/11/02	{9}	DBI	Acct #01-6030; Payment #1; First installment on settlement agreement of a/r	1121-000	5,000.00		5,000.00
03/20/02	{9}	DBI	Acct #01-6030; Payment #1; Adjustment for check returned NSF	1121-000	-5,000.00		0.00
03/29/02	Int	JPMORGAN CHASE BANK	Interest posting at 0.8500%	1270-000	0.57		0.57
04/18/02		DBI	Payment on settlement (2 payments)		10,000.00		10,000.57
	{9}		Acct #01-6030; Payment #1	1121-000			10,000.57
	{9}		Acct #01-6030; Payment #2	1121-000			10,000.57
04/30/02	Int	JPMORGAN CHASE BANK	Interest posting at 0.8500%	1270-000	2.10		10,002.67
05/13/02	{9}	DBI	Acct #01-6030; Payment #3; Payment on settlement	1121-000	5,000.00		15,002.67
05/31/02	Int	JPMORGAN CHASE BANK	Interest posting at 0.8000%	1270-000	8.73		15,011.40
06/20/02	{9}	DBI	Acct #01-6030; Payment #4; June payment under settlement of a/r	1121-000	5,000.00		20,011.40
06/28/02	Int	JPMORGAN CHASE BANK	Interest posting at 0.8000%	1270-000	10.64		20,022.04
07/17/02	{9}	DBI	Acct #01-6030; Payment #5 (payment under settlement agreement)	1121-000	5,000.00		25,022.04
07/31/02	Int	JPMORGAN CHASE BANK	Interest posting at 0.8000%	1270-000	15.02		25,037.06
08/15/02	{9}	DBI	Acct #01-6030; Payment #6; payment on judgment on acct rec	1121-000	5,000.00		30,037.06
08/30/02	Int	JPMORGAN CHASE BANK	Interest posting at 0.7500%	1270-000	17.29		30,054.35
09/30/02	{9}	DBI	Acct #01-6030; Payment #7	1121-000	5,000.00		35,054.35
09/30/02	Int	JPMORGAN CHASE BANK	Interest posting at 0.7500%	1270-000	18.53		35,072.88

{ Asset reference(s)

Subtotals :

\$35,072.88

\$0.00

Printed: 11/04/2003 10:18 AM V.6.26

Form 2

Cash Receipts And Disbursements Record

Page: 2

Case Number: 00-62307 BP

Case Name: Dayton Jr., Robert D.

AKA Bob Dayton Jr

Taxpayer ID #: 13-7316419

Period Ending: 11/04/03

Trustee: Bob Anderson (631490)

Bank Name: JPMORGAN CHASE BANK

Account: 312-8337880-65 - Money Market Account

Blanket Bond: \$300,000.00 (per case limit)

Separate Bond: N/A

1 Trans. Date	2 {Ref #} Check #	3 Paid To / Received From	4 Description of Transaction	T-Code	5 Receipts \$	6 Disbursements \$	7 Money Market Account Balance
10/28/02	{9}	DBI	Acct #01-6030; Payment #8; Payment on settlement	1121-000	5,000.00		40,072.88
10/31/02	Int	JPMORGAN CHASE BANK	Interest posting at 0.7500%	1270-000	22.24		40,095.12
11/29/02	Int	JPMORGAN CHASE BANK	Interest posting at 0.4300%	1270-000	16.63		40,111.75
12/31/02	Int	JPMORGAN CHASE BANK	Interest posting at 0.4300%	1270-000	14.65		40,126.40
01/31/03	Int	JPMORGAN CHASE BANK	Interest posting at 0.4300%	1270-000	14.66		40,141.06
02/28/03	Int	JPMORGAN CHASE BANK	Interest posting at 0.4300%	1270-000	13.24		40,154.30
03/31/03	Int	JPMORGAN CHASE BANK	Interest posting at 0.4000%	1270-000	14.04		40,168.34
04/30/03	Int	JPMORGAN CHASE BANK	Interest posting at 0.4000%	1270-000	13.21		40,181.55
05/30/03	Int	JPMORGAN CHASE BANK	Interest posting at 0.4000%	1270-000	13.65		40,195.20
06/30/03	Int	JPMORGAN CHASE BANK	Interest posting at 0.3000%	1270-000	11.12		40,206.32
07/31/03	Int	JPMORGAN CHASE BANK	Interest posting at 0.3000%	1270-000	10.25		40,216.57
08/13/03		To Account #312833788066	Transfer to Checking for Disbursement	9999-000		3,770.04	36,446.53
08/29/03	Int	JPMORGAN CHASE BANK	Interest posting at 0.2500%	1270-000	8.05		36,454.58
09/30/03	Int	JPMORGAN CHASE BANK	Interest posting at 0.2500%	1270-000	7.49		36,462.07
10/31/03	Int	JPMORGAN CHASE BANK	Interest posting at 0.2000%	1270-000	6.99		36,469.06
11/04/03	Int	JPMORGAN CHASE BANK	Current Interest Rate is 0.2000%	1270-000	0.60		36,469.66
11/04/03		To Account #312833788066	Transfer to checking for TFR	9999-000		36,469.66	0.00

ACCOUNT TOTALS

Less: Bank Transfers

Subtotal

Less: Payments to Debtors

NET Receipts / Disbursements

40,239.70	40,239.70	\$0.00
0.00	40,239.70	
40,239.70	0.00	
\$40,239.70	\$0.00	

Form 2

Cash Receipts And Disbursements Record

Page: 3

Case Number: 00-62307 BP
Case Name: Dayton Jr., Robert D.
AKA Bob Dayton Jr
Taxpayer ID #: 13-7316419
Period Ending: 11/04/03

Trustee: Bob Anderson (631490)
Bank Name: JPMORGAN CHASE BANK
Account: 312-8337880-66 - Checking Account
Blanket Bond: \$300,000.00 (per case limit)
Separate Bond: N/A

1 Trans. Date	2 {Ref #} / Check #	3 Paid To / Received From	4 Description of Transaction	5 Receipts \$	6 Disbursements \$	7 Checking Account Balance
08/13/03		From Account #312833788065	Transfer to Checking for Disbursement	3,770.04		3,770.04
08/13/03	101	United States Treasury	Form 1041 for year end 12/31/02; Payment made pursuant to Bankruptcy Court Order signed 4/28/03.		3,770.04	0.00
11/04/03		From Account #312833788065	Transfer to checking for TFR	36,469.66		36,469.66

ACCOUNT TOTALS

Less: Bank Transfers

Subtotal

Less: Payments to Debtors

NET Receipts / Disbursements

40,239.70	3,770.04	\$36,469.66
40,239.70	0.00	
0.00	3,770.04	
\$0.00	\$3,770.04	

TOTAL - ALL ACCOUNTS	Net Receipts	Net Disbursements	Account Balances
MMA # 312-8337880-65	40,239.70	0.00	0.00
Checking # 312-8337880-66	0.00	3,770.04	36,469.66
	\$40,239.70	\$3,770.04	\$36,469.66

EOD

4/28/2003

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

IN RE:

ROBERT D. DAYTON, JR.

DEBTOR

§
§
§
§
§

CASE NO. 00-62307

CHAPTER 7

ORDER GRANTING MOTION
FOR AUTHORIZATION TO PAY INCOME TAXES OF THE ESTATE
FILED BY BOB ANDERSON, CHAPTER 7 TRUSTEE

On April 1, 2003, TRUSTEE'S MOTION FOR AUTHORIZATION TO PAY INCOME TAXES OF THE BANKRUPTCY ESTATE (the "Motion") was filed by BOB ANDERSON, CHAPTER 7 TRUSTEE (the "Movant") in the above-referenced case. The Court finds that the Motion was properly served pursuant to the Federal and Local Rules of Bankruptcy Procedure and that it contained the appropriate twenty (20)-day negative notice language, pursuant to Local Rule of Bankruptcy Procedure 9007, which directed any party opposed to the granting of the relief sought by the Motion to file a written response within twenty days or the Motion would be deemed by the Court to be unopposed. The Court finds that no objection or other written response to the Motion has been timely filed by any party. Due to the failure of any party to file a timely written response, the allegations contained in the Motion stand unopposed and, therefore, the Court finds that good cause exists for the entry of the following order.

IT IS THEREFORE ORDERED that the TRUSTEE'S MOTION FOR AUTHORIZATION TO PAY INCOME TAXES OF THE BANKRUPTCY ESTATE filed by BOB ANDERSON, CHAPTER 7 TRUSTEE on April 1, 2003, is hereby **GRANTED** so as to authorize Bob Anderson, Chapter 7 Trustee, to pay from the funds of the estate all income taxes, interest and penalties determined to be owed by the estate.

Signed on 04/28/2003



BILL PARKER,
UNITED STATES BANKRUPTCY JUDGE



Department of the Treasury
Internal Revenue Service
MEMPHIS TN 37501-0039

Date of this notice: AUG. 11, 2003
Taxpayer Identifying Number 13-7316419
Form: 1041 Tax Period: DEC. 31, 2002

For assistance you may
call us at:

1-800-829-0115

HELPFUL HINT: FOR FASTER SERVICE,
TRY CALLING US ANY DAY EXCEPT
MONDAY WHEN OUR CALL VOLUMES
ARE HIGHEST.

ROBERT ANDERSON TTEE IN BANKRUPTCY
00-62307
DAYTON ROBERT D JR
PO BOX 3343
LONGVIEW TX 75606-3343436

REQUEST FOR PAYMENT

U.S. INCOME TAX RETURN FOR ESTATES AND TRUSTS

OUR RECORDS SHOW YOU OWE

\$3,770.04 ON YOUR RETURN FOR THE ABOVE TAX PERIOD.

TO AVOID ADDITIONAL PENALTY AND/OR INTEREST, PLEASE ALLOW ENOUGH MAILING TIME
SO THAT WE RECEIVE YOUR PAYMENT BY SEP. 1, 2003. MAKE YOUR CHECK OR MONEY ORDER
PAYABLE TO THE UNITED STATES TREASURY. WRITE YOUR TAXPAYER IDENTIFICATION NUMBER ON
YOUR PAYMENT AND MAIL IT WITH THE STUB PORTION OF THIS NOTICE.

IF YOU THINK WE MADE A MISTAKE, PLEASE CALL US AT THE NUMBER LISTED ABOVE. WHEN YOU
CALL, PLEASE HAVE YOUR PAYMENT INFORMATION AND A COPY OF YOUR TAX RETURN AVAILABLE.
THIS INFORMATION WILL HELP US FIND ANY PAYMENT YOU MADE THAT WE HAVEN'T APPLIED.

TAX STATEMENT

TAX ON RETURN	\$3,638.00
TOTAL CREDITS	\$.00
AMOUNT PREVIOUSLY REFUNDED TO YOU	\$.00
UNDERPAYMENT	3,638.00
*PENALTY	72.76
*INTEREST	59.28

AMOUNT YOU OWE

\$3,770.04

ABOUT YOUR NOTICE - THE PENALTY AND INTEREST CHARGES ON YOUR ACCOUNT ARE EXPLAINED
ON THE FOLLOWING PAGES. IF YOU WANT A MORE DETAILED EXPLANATION OF YOUR PENALTIES
AND INTEREST, PLEASE CALL US AT THE TELEPHONE NUMBER LISTED ON THE TOP OF THIS
NOTICE. YOU MAY CALL YOUR LOCAL IRS TELEPHONE NUMBER IF THE NUMBER SHOWN ON YOUR
NOTICE IS A LONG-DISTANCE CALL FOR YOU. ALL DAYS MENTIONED IN THE PARAGRAPHS
BELOW ARE CALENDAR DAYS, UNLESS SPECIFICALLY STATED OTHERWISE.

\$72.76 PAYING LATE - IRC SECTION 6651

WE CHARGED A PENALTY BECAUSE YOU DIDN'T PAY YOUR TAX ON TIME. INITIALLY, THE
PENALTY IS 1/2% OF THE UNPAID TAX FOR EACH MONTH OR PART OF A MONTH YOU DIDN'T
PAY YOUR TAX.

IF YOU THINK WE SHOULD REMOVE OR REDUCE THIS PENALTY, SEE "REMOVAL OF PENALTIES -
REASONABLE CAUSE."

THE FOLLOWING TABLE SHOWS THE PENALTY CHARGES ON YOUR ACCOUNT. TO COMPUTE YOUR
LATE PAYING PENALTY WE USED PRINCIPAL X RATE X NUMBER OF MONTHS LATE.

Date	No. Months	Rate/Month	Principal	Penalty
08/15/2003	04	0.50%	3,638.00	72.76
Total Penalty:				72.76

PAID

CK NO. 101
DATE 8/13/03

SCHEDULE B
APPLICATION FOR COMPENSATION

COMPUTATION OF COMMISSIONS (cases filed after 10/22/95)

Total Receipts	<u>\$40,239.70</u>	25% of First \$5,000	\$ <u>1,250.00</u>
Less	<u>(5,000.00)</u>		
Balance	<u>35,239.70</u>	10% of next \$45,000	\$ <u>3,523.97</u>
Less	<u>(45,000.00)</u>		
Balance	<u>0.00</u>	5% of next \$950,000	\$ <u>0.00</u>
Less	<u>(950,000.00)</u>		
Balance	<u>0.00</u>	3% of Remaining Balance	\$ <u>0.00</u>

TOTAL COMMISSIONS \$ 4,773.97

UNREIMBURSED EXPENSES

Recording Fees	\$ <u>0.00</u>
Necessary Travel (@ .35/mile)	\$ <u>0.00</u>
Paraprofessional (exhibit attached)	\$ <u>642.00</u>
Clerical and Stenographic (exhibit attached)	\$ <u>172.00</u>
Photocopies (@ .25/each)	\$ <u>109.00</u>
Postage	\$ <u>65.13</u>
Long Distance Telephone Charges	\$ <u>4.50</u>
Other Expenses (Paid to Cox, Rogers and Associates for preparation of tax return)	\$ <u>175.00</u>
TOTAL UNREIMBURSED EXPENSES	\$ <u>1,167.63</u>

Records:

☒ Trustee did not take possession of business or personal records of the debtor.

☐ Notice given debtor on _____ to pick up business or personal records in hands of Trustee.

Date	Service Performed	Time	C	P	LD
	TRUSTEE TIME		0	0	0
1/8/2001	Review schedules and SOFA in preparation for meeting, and conduct first meeting of creditors	.80	0	0	0
	Meetings of Creditors	0.8	0	0	0
			0	0	0
8/2/2001	Preparation of Assignment of rights in account from MYD Metals, Inc. to Bob Anderson, Chapter 7 Trustee	.30	0	0	0
	Asset Analysis and Recovery	0.3	0	0	0
			0	0	0
11/5/2002	Review of claims	.50	0	0	0
	Review of Claims	0.5	0	0	0
			0	0	0
3/25/2003	Receipt and review of federal income tax return and execution of same; Receipt and review of request for prompt determination of unpaid taxes and execution of same	.40	0	0	0
	Tax Issues	0.4	0	0	0
			0	0	0
	Various telephone conferences with creditors regarding case status	1.0	0	0	0
	Review of Trustee's Final Report and proposed Distribution; anticipated time in signing checks, review of Trustee's Distribution Report and incidental closing matters	1.0	0	0	0
	Case Administration	2	0	0	0
			0	0	0
	SUMMARY OF TRUSTEE TIME		0	0	0
	Meetings of Creditors	.80	0	0	0
	Asset Analysis and Recovery	.30	0	0	0
	Review of Claims	.50	0	0	0
	Tax Issues	.40	0	0	0
	Case Administration	2.00	0	0	0
	Total Trustee Time, All Categories	4	0	0	0

Date	Service Performed	Time	C	P	LD
	SECRETARIAL SERVICES		0	0	0
3/27/2001	Preparation of exhaustive Exhibit Summary of Invoices for Complaint	1.00	0	0	0
4/19/2001	Set up notebook files; Review schedules and post assets, values, exemptions, liens and other case information; Set up adversary notebook for adversary against Delta Brands, Inc.	1.00	5	0	0
4/19/2001	Response to John Bowland's request for a status on the collection of the debt owed by DBI to Dayton	.10	0	0	0
2/7/2002	Preparation of revisions to Exhibit Summary of Invoices for Amended Complaint	.60	0	0	0
3/7/2002	Obtain matrix and update for use with mailout of Motion to Approve Compromise and Settlement	.30	0	0	0
3/7/2002	Mailout of Notice of Motion to Approve Compromise and Settlement (expenses charged on attorney's fee application)	.50	0	0	0
3/11/2002	Preparation of deposit and post same	.20	3	0	0
3/11/2002	Open money market account; set up financial file	.20	1	0	0
3/11/2002	Open bank account, set up financial file; preparation of Form W-9 for bank, and preparation of deposit and post same	.50	4	0	0
3/11/2002	Preparation of request for Clerk to set bar date for claims	.20	4	1.11	0
4/8/2002	Reconciliation of bank statement	.10	0	0	0
5/18/2002	Reconciliation of bank statement	.10	0	0	0
6/18/2002	Reconciliation of bank statement	.10	0	0	0
7/11/2002	Reconciliation of bank statement	.10	0	0	0
7/17/2002	Preparation of deposit and post same	.20	3	0	0
8/12/2002	Reconciliation of bank statement	.10	0	0	0
9/12/2002	Reconciliation of bank statement	.10	0	0	0
9/16/2002	Download claims via Pacer for review	.30	0	0	0
10/9/2002	Reconciliation of bank statement	.10	0	0	0
10/10/2002	Reconciliation of bank statement	.10	0	0	0
11/13/2002	Reconciliation of bank statement	.10	0	0	0
12/12/2002	Reconciliation of bank statement	.10	0	0	0
1/13/2003	Reconciliation of bank statement	.10	0	0	0

Date	Service Performed	Time	C	P	LD
2/17/2003	Reconciliation of bank statement	.10	0	0	0
3/12/2003	Reconciliation of bank statement	.10	0	0	0
3/31/2003	Obtain advance check from Smead, Anderson & Dunn to pay professional fee of Accountant Robert Rogers	.10	3	.37	0
4/1/2003	Mailout of Motion to Pay Income Taxes to all parties	.30	64	17.39	0
4/11/2003	Reconciliation of bank statement	.10	0	0	0
5/16/2003	Reconciliation of bank statement	.10	0	0	0
6/16/2003	Reconciliation of bank statement	.10	0	0	0
7/28/2003	Reconciliation of bank statement	.10	0	0	0
8/13/2003	Reconciliation of bank statement	.10	0	0	0
9/15/2003	Reconciliation of bank statement	.10	0	0	0
9/23/2003	Preparation of detailed exhibit of time, services and expenses for attorney's fee application	1.00	0	0	0
9/24/2003	Mailout of Notice of fee application of Special Counsel to all parties on matrix and expenses in same	.20	87	18.72	0
	Total Secretarial Services	8.6	0	0	0
			0	0	0
	PARALEGAL SERVICES		0	0	0
3/27/2001	Draft for Trustee's review and signature Application to Employ Smead, Anderson & Dunn on contingent basis with Affidavit and proposed Order	.80	0	0	0
4/19/2001	Telephone conference and e-mails with John Bowland regarding status of case	.20	0	0	0
10/30/2001	Update case status; Prepare Form 1	.20	0	0	0
11/14/2001	Preparation of Subpoena for Robert Dayton for Trustee's review	.20	0	0	0
2/25/2002	Hand deliver subpoena to Robert Dayton for appearance as witness in the adversary and complete the Proof of Service on the subpoena	.50	2	0	0
4/30/2003	Update case status; Prepare Form 1 and Form 2 and confirm balance	.20	0	0	0
11/13/2002	Draft for Trustee's review and signature Objection to Claim #5 of Gregg County, Affidavit and proposed Order	.30	0	0	0
11/14/2002	expenses re: service of Objection to Claim #5	.00	20	2.40	0

Date	Service Performed	Time	C	P	LD
11/14/2002	Electronic filing of Objection to Claim #5	.20	0	0	0
2/13/2003	Review file for information needed to prepare 2002 tax return; Prepare letter for Trustee's review and signature to Bob Rogers regarding tax return	.50	3	0	0
2/26/2003	Telephone conferences (2) with Bob Rogers and telephone conference with Bob Dayton, Debtor, all regarding tax basis and 2002 tax return for Estate	.50	0	0	0
3/31/2003	Process and mailout of Estate's Federal Income Tax Return for 2002 and Request for Prompt Determination of Unpaid Taxes, each by certified mail, return receipt requested	.20	2	9.99	0
3/31/2003	Prepare for Trustee's review and signature Motion for Authorization to Pay Taxes of Bankruptcy Estate and proposed Order (expenses of mailout charged under secretarial time)	.50	0	0	0
4/1/2003	Electronically file Motion to Pay Federal Income Taxes	.20	0	0	0
4/23/2003	Update case status; Prepare Form 1 and Form 2 and confirm balance	.20	0	0	0
6/2/2003	Telephone conference with Tamma Isabel of Internal Revenue Service regarding order authorizing payment of taxes, and regarding receipt and posting of tax return	.20	0	0	10
6/25/2003	Telephone conference with Tamma Isabell of IRS re: taxes	.10	0	0	5
7/8/2003	Tax copy of tax return to Tamma Isabell of IRS per her request	.10	0	0	10
8/13/2003	Receipt and review of notice from IRS; Prepare check for payment of income taxes	.20	2	.37	0
9/24/2003	Draft fee application of special counsel for Trustee for Trustee's review and signature	1.00	0	0	0
10/1/2003	Telephone conference with Robert Dayton regarding status of case	.10	0	0	5
10/1/2003	Telephone conference with John Bowland regarding status of case and expected distribution, and mail copy of attorney's fee application per his request	.20	13	.83	0
10/22/2003	E-mail to Clerk regarding bill of court costs and deferred adversary filing fee	.10	0	0	0

Date	Service Performed	Time	C	P	LD
11/3/2003	Preparation of Final Report and Proposed Distribution and attached schedules, including review of claims and confirming same; preparation of secretarial and paralegal exhibit; preparation of exhibit for trustee's time and services; tally expenses; post final interest to money market account and transfer to deposit account; update property record and cash receipts and disbursements and confirm balance; calculation of Trustee's compensation and post same; preparation of Order approving proposed distribution; letter for Trustee's signature to United States Trustee	2.00	160	3.95	0
	Anticipated time in preparation of checks for final distribution; transmittal letter to payees; monitoring file for all checks to clear; possible calculation of redistribution and motion to redistribute and possible preparation of motion to deposit unclaimed funds in registry of the court; preparation of final report and report of distribution; preparation of itemization of distributions; return claim file(s) to Clerk; preparation of Form 4 and electronic submission to office of United States Trustee; letter for Trustee's signature to United States Trustee; monitor file for payment of fee and archive file after closing.	2.00	60	10.00	0
	Total Paralegal Services	10.7	0	0	0
			0	0	0
	TOTALS		0	0	0
	Total Copy, Postage & LD Expense		436	65.13	30
	Total Secretarial - 8.60 Hours @ \$20 = \$172.00				
	Total Paralegal - 10.7 Hours @ \$60 = \$642.00				

SMEAD ANDERSON & DUNN
P.O. BOX 3343
LONGVIEW, TEXAS 75606
Phone: (903) 232-1880

TAX ID # 75-1851235

Dayton, Jr., Robert Darwin
Longview TX

Page: 1
11/04/2003
CLIENT # 8532-000B
STATEMENT NO: 1

Case #00-62307
Bob Anderson, Ch. 7 Trustee

INTERIM STATEMENT

04/01/03 Outside Professional Fees - Cox, Rogers and Assoc. - Accountant's Fee for preparation of Federal Income Tax for 2002	175.00
Outside Professional Fees	175.00
TOTAL ADVANCES	175.00
TOTAL CURRENT WORK	175.00
BALANCE DUE	<u>\$175.00</u>

PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK.
(Additional invoice may be sent for expenses received after
this invoice date.)

CHECK REQUEST

Operating ☒

Trust ☐

Case Name: **Dayton, Jr., Robert Darwin**

SAWD File No. **8532**

Date Req: **3/31/03** Date Need: **asap**

Primary Attorney: **BA-2**

CHECK MADE PAYABLE TO:

Cox, Rogers & Associates, Inc.

AMOUNT OF CHECK: \$**175.00**

Charge to:

Client ☒

Firm ☐

EXPENSE/ADVANCE CODE: **66 - OPF (Outside Prof. Fee)**

Date(s) Expense/Advance Incurred: **3/31/03**

PURPOSE: **Accountant's Fee for preparation of Federal
Income Tax Return for 2002**

REQUESTED BY: Cindy Irby

*Rec'd -
mailed
4/1/03*

SCHEDULE C**EXPENSES OF ADMINISTRATION**

	(1) Amount Claimed	(2) Amount Allowed	(3) Previously Paid	(4) Amount Due
1. 11 U.S.C. Sec. 507(a)(1) <u>Court Costs and Fees</u>	150.00	150.00	0.00	150.00
2. 11 U.S.C. Sec. 503(b)(1)(A) <u>Preservation of Estate</u>				
A. Transportation	0.00	0.00	0.00	0.00
B. Storage	0.00	0.00	0.00	0.00
C. Wages	0.00	0.00	0.00	0.00
D. Estates share FICA	0.00	0.00	0.00	0.00
E. Insurance	0.00	0.00	0.00	0.00
F. Upkeep	0.00	0.00	0.00	0.00
G. Other (itemized)	0.00	0.00	0.00	0.00
3. 11 U.S.C. Sec. 503(b)(2) <u>Post-Petition taxes and related penalties</u>	3,770.04	3,770.04	3,770.04	0.00
4. 11 U.S.C. Sec. 503(b)(2) <u>Compensation and Reimbursement</u>				
A. Attorney for Trustee Expenses (Trustee Firm)	371.65	371.65	0.00	371.65
B. Attorney for Trustee Fees (Trustee Firm)	13,209.45	13,209.45	0.00	13,209.45
C. Trustee Expenses	1,167.63	1,167.63	0.00	1,167.63
D. Trustee Compensation	4,773.97	4,773.97	0.00	4,773.97
5. Court Special Charges (Excess Notices)	0.00	0.00	0.00	0.00
6. U.S. Trustee fees	0.00	0.00	0.00	0.00
7. Other (itemize)	0.00	0.00	0.00	0.00
TOTALS:	23,442.74	23,442.74	3,770.04	19,672.70

EOD

10/20/2003

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

IN RE:

ROBERT D. DAYTON, JR.

DEBTOR

§
§
§
§
§

CASE NO. 00-62307

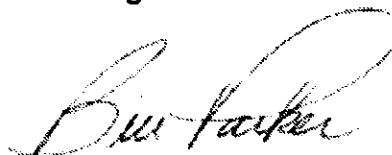
CHAPTER 7

**ORDER ALLOWING FEE AND EXPENSES OF SMEAD, ANDERSON & DUNN
AS SPECIAL COUNSEL FOR CHAPTER 7 TRUSTEE**

On September 24, 2003, an APPLICATION OF SMEAD, ANDERSON & DUNN AS SPECIAL COUNSEL FOR TRUSTEE FOR ALLOWANCE OF ATTORNEY FEE AND EXPENSES AND MEMORANDUM OF LAW IN SUPPORT THEREOF was filed by Bob Anderson, Chapter 7 Trustee on behalf of SMEAD, ANDERSON & DUNN. The Court finds that the Application was properly served pursuant to the Federal and Local Rules of Bankruptcy Procedure and that it contained the appropriate twenty (20)-day negative notice language, pursuant to LBR 9007, which directed any party opposed to the granting of the fee and expenses requested by the Application to file a written response within twenty days or the Application would be deemed by the Court to be unopposed. The Court finds that no objection or other written response to the Application has been timely filed by any party. Due to the failure of any party to file a timely written response, the Application stands unopposed and, therefore, the Court, having reviewed the Application and determined whether the services and expenses as outlined in the application were actual, reasonable and necessary, finds that good cause exists for the entry of the following order.

IT IS THEREFORE ORDERED that the fee in the amount of \$13,209.45 and expenses in the amount of \$371.65 incurred by Trustee's Special Counsel SMEAD, ANDERSON & DUNN the representation of the Trustee in a collection matter against Delta Brands, Inc. (Adversary No. 01-6030 styled Bob Anderson, Chapter 7 Trustee v. Delta Brands, Inc.), for a total amount of \$13,581.10, is **APPROVED**; and the same shall be paid from available estate funds upon the execution hereof.

Signed on 10/20/2003



BILL PARKER
UNITED STATES BANKRUPTCY JUDGE

SCHEDULE D

SECURED CLAIMS

<u>Claim No.</u>	<u>Amount Claimed</u>	<u>Amount Not Determined</u>	<u>Amount Allowed</u>	<u>Previously Paid</u>	<u>Due</u>
5	832.85	832.85	0.00	0.00	0.00
	<u>832.85</u>	<u>832.85</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

IDENTIFICATION OF SECURED PARTIES AFFECTED:

<u>Claim Number</u>	<u>Name of Creditor</u>
5	Gregg County

SCHEDULE E

PRIORITY CLAIMS OTHER THAN ADMINISTRATIVE EXPENSES IN THE
FOLLOWING ORDER OF PRIORITY

NONE

FILED UNSECURED CLAIMS TOTAL: \$ 60,816.86

SUBORDINATED UNSECURED CLAIMS: \$ 0.00

Claims Register

Case: 00-62307

Dayton Jr., Robert D.

Claims Bar Date: 08/09/02

Claim Number	Claimant Name / <Category>, Priority	Claim Type/ Date Filed	Claim Ref./ Notes	Amount Filed/ Allowed	Paid to Date	Claim Balance
1A	John Bowland 6441 Runnemedede Dallas, TX 75214 <7100-00 General Unsecured § 726(a)(2)>, 610	Unsecured 03/27/02		\$17,100.00 \$17,100.00	\$0.00	\$17,100.00
This is the "unsecured" portion; see also Claim No. 1B.						
1B	John Bowland 6441 Runnemedede Dallas, TX 75214 <8200-00 Surplus Funds Paid to Debtor § 726 (a)(6) (incl pmts to shareholders & ltd part)>, 650	Unsecured 03/27/02		\$15,000.00 \$15,000.00	\$0.00	\$15,000.00
This is the portion attributed to "stock investment." See also Claim 1A.						
2	Great Lakes Collection Bureau Inc. Ramona Reuben 45 Oak Street Buffalo, NY 14203 <7100-90 Payments to Unsecured Credit Card Holders>, 610	Unsecured 04/18/02	4313020999802 038	\$12,024.11 \$12,024.11	\$0.00	\$12,024.11
3	Loan Servicing Center Attn: Bankruptcy Clerk P.O. Box 651210 Sterling, VA 20165-1210 <7100-00 General Unsecured § 726(a)(2)>, 610	Unsecured 04/05/02	672490 - PLATO	\$15,758.37 \$15,758.37	\$0.00	\$15,758.37
4	Capital One Bank P.O. Box 85167 Richmond, VA 23285 <7100-90 Payments to Unsecured Credit Card Holders>, 610	Unsecured 05/14/02	4121741560870 847	\$934.38 \$934.38	\$0.00	\$934.38
5	Gregg County 2323 Bryan St 1720 Univision Ctr Dallas, TX 75201-2644 <4700-00 Real Property Tax Liens (pre-petition)>, 100	Secured 07/01/02		\$832.85 * \$0.00	\$0.00	\$0.00
Disallowed per Order signed 12/6/02.						
CLERK	Clerk, United States Bankruptcy Court Ferguson Building, 2nd Floor 200 East Ferguson Tyler, TX 75702 <2700-00 Clerk of the Court Costs (includes adversary and other filing fees)>, 200	Admin Ch. 7 12/31/03	01-6030 ADVERSARY	\$150.00 \$150.00	\$0.00	\$150.00
Deferred Adversary in 01-6030.						
ATTY-E	Smead, Anderson & Dunn <3120-00 Attorney for Trustee Expenses (Trustee Firm)>, 200	Admin Ch. 7 09/24/03	9532	\$371.65 \$371.65	\$0.00	\$371.65
Approved by Order of 10/20/03.						

(*) Denotes objection to Amount Filed

Claims Register

Case: 00-62307

Dayton Jr., Robert D.

Claims Bar Date: 08/09/02

Claim Number	Claimant Name / <Category>, Priority	Claim Type/ Date Filed	Claim Ref./ Notes	Amount Filed/ Allowed	Paid to Date	Claim Balance
ATTY-F	Smead, Anderson & Dunn	Admin Ch. 7 09/24/03	9532	\$13,209.45 \$13,209.45	\$0.00	\$13,209.45
Approved by Order of 10/20/03.						
<3110-00 Attorney for Trustee Fees (Trustee Firm)>, 200						
TTEE-E	Bob Anderson 2110 Horseshoe Lane (75605) P.O. Box 3343 Longview, TX 75606-3343	Admin Ch. 7 11/04/03	8532	\$1,167.63 \$1,167.63	\$0.00	\$1,167.63
<2200-00 Trustee Expenses>, 200						
TTEE-F	Bob Anderson 2110 Horseshoe Lane (75605) P.O. Box 3343 Longview, TX 75606-3343	Admin Ch. 7 11/04/03	8532	\$4,773.97 \$4,773.97	\$0.00	\$4,773.97
<2100-00 Trustee Compensation>, 200						
ADM-TAX	United States Treasury	Admin Ch. 7 11/29/00	1041 FYE 12/31/02	\$3,770.04 \$3,770.04	\$3,770.04	\$0.00
Paid pursuant to Order Granting Motion to Pay Income Taxes of the Estate signed 4/28/03						
<2810-00 Income Taxes - Internal Revenue Service (post-petition)>, 200						
Case Total:					\$3,770.04	\$80,489.56